

**To:** Terris, Carol[Terris.Carol@epa.gov]  
**From:** Greaves, Holly  
**Sent:** Thur 5/25/2017 11:50:33 AM  
**Subject:** edits to Bristol Bay fact sheet

### **Ex. 5 - Deliberative Process**

I had an email copy so I am copying the revised language here so someone on your staff can cut and paste.

## **Pebble Limited Partnership Litigation and Settlement**

### **(Bristol Bay Watershed CWA 404(c) Process)**

1. On July 25, 2014, the agency used a little-known statutory provision to issue a "proposed determination" of the environmental impact of the Pebble Mine project, which circumvented the traditional permit process and effectively prevented the project from moving forward.
2. A federal district court judge in November 2014 ordered the EPA to stop all work connected to the Clean Water Act 404(c) proposed limitation while a challenge to the EPA's actions with regard to the Bristol Bay watershed was litigated.
3. We can leave the paragraph about the OIG final report here.
4. In May 2017, EPA entered into a settlement agreement with Pebble Mine Partnership under which EPA agreed to begin the procedure specified in its regulation to consider whether to withdraw the proposed determination. In exchange, Pebble will withdraw its claims under Freedom of Information Act and Federal Advisory Committee Act, as well as its request for attorneys fees. Pebble also agreed to file no

new FOIA requests while the settlement is in effect. The settlement will be dissolved if Pebble does not file its application with the Army Corps within 30 months of the settlement. The settlement ensures that Pebble will be able to submit its application and have it considered within the regular course of business. It does not guarantee any particular outcome or determination with respect to Pebble's application.